

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

HILARIO GONZALES-BALDERAS, SR.,)	
)	CIVIL ACTION NO.
Petitioner,)	
)	3:12-CV-4350-G (BF)
VS.)	
)	CRIMINAL ACTION NO.
UNITED STATES OF AMERICA,)	
)	3:90-CR-034(06)-G
Respondent.)	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. Petitioner filed objections, and the district court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled, and the court **ACCEPTS** the findings, conclusions and recommendation of the United States Magistrate Judge.

It is therefore **ORDERED** that the motion for relief from judgment under FED. R. CIV. P. 60(b) is construed as a successive habeas petition under 28 U.S.C. § 2255, and the petition is **TRANSFERRED** to the **United States Court of Appeals for the**

Fifth Circuit. *See* 28 U.S.C. § 2244(b)(3); 28 U.S.C. § 1631.* The clerk's office is **DIRECTED** to **OPEN** a new civil action, nature of suit 510, with direct assignment to District Judge A. Joe Fish and Magistrate Judge Stickney, and terminate the motion in this case.

SO ORDERED.

December 21, 2017.



A. JOE FISH
Senior United States District Judge

* An order transferring a successive application to the court of appeals is not a final order requiring a certificate of appealability. *See United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015).